

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
DEPARTMENT POLICIES & PROCEDURES
FOR THE TOBACCO LITIGATION CASES
JUDGE RONALD S. PRAGER
DEPARTMENT 69
330 West Broadway
San Diego, CA 92101
(619) 685-6146
REVISED AUGUST 19, 1999

1. Except as modified by order of this Court, all parties and their counsel are ordered to comply with the Coordinated Rules of the Superior and Municipal Court, County of San Diego, Division II, "Civil Litigation".

2. **Scheduled Appearances**

Counsel are expected to be on time for all scheduled hearings. If, for any reason, counsel will be late for an appearance, counsel must advise this department in advance. **Telephonic appearances may only be made by prior Court approval. Applications for each telephonic appearance must be made in writing at least two (2) court days before each hearing.**

- A. **Ex Partes**

Ex Parte matters will be heard on Monday's at 1:00 PM, and on such other days and times as the Court shall designate. Reservations shall be made by calling **Dept. 69's Calendar Clerk, Clara Banks, at (619) 685-6137**, by the previous Thursday, no later than 9:00 AM. Ex Parte applications, supporting documents, and proposed order(s) are required, and should be filed by the previous Thursday no later than 9:00 AM. Any opposition paperwork shall be filed by Friday no later than 12:00 PM. All counsel filing paperwork shall send a courtesy copy directly to the courtroom by placing it in the mailbox for Department 69 on the second floor of the Hall of Justice building. Failure to provide proposed orders, \$23.00 ex

parte fee in the form of a check or other failure to comply with Coordinated Rules 7.1, 7.2 and 7.3, may result in rejection of counsel's request to appear ex parte.

B. Status Conferences

All documents counsel wish Court to review/consider at any scheduled status conference shall be submitted to the Court under a Notice of Lodgment no later than 4pm two (2) court days prior to the hearing.

C. Settlement Conferences

Settlement Conferences will be held **by reservation** at such times as the Court shall designate. Counsel may obtain a reservation for a Settlement Conference **by calling Dept. 69's Calendar Clerk, Clara Banks, at (619) 685-6137**. Settlement briefs should be submitted to this department no later than five (5) court days prior to the Settlement Conference and should not exceed five (5) pages. See Coordinated Rule 9.10.

D. Trial Calls

Trial calls are held on Fridays at 9:00 AM. At trial call the Court will advise counsel when their case is to begin trial, although counsel should expect to begin the Monday following trial call. Counsel may be required to return at 1:00 PM for *in limine* motions.

E. Trials

Court hours for trials are Monday through Thursday, 9:00 AM until 12:00 noon, and 1:15 PM until 4:00 PM, unless otherwise ordered.

3. Filings

A. Filing Through Fax Filing Agency

Any document filed with this department may be filed through a fax filing agency. See CRC 2005. However, if a document is filed through such agency, it will be considered as the original document, and, therefore, must be a complete document containing all attachments/exhibits.

Counsel may not follow up a fax filing with the "original" document and/or exhibits/attachments to the fax filing.

B. Number of Documents Required

Counsel filing/lodging documents with this department shall file the original plus two (2) additional copies which will not be returned to counsel. Failure to furnish the additional copies as requested may result in the original document being returned unprocessed.

C. Stipulations

Stipulations among counsel are not binding on the Court unless signed by the Court and filed with the Court.

4. Law and Motion

A. Reservations

Reservations are required for all motions, petitions & similar documents filed in this department in accordance with Coordinated Rule 6.1.A. Counsel may obtain a reservation for hearing the motion, petition or similar document **by calling the Tobacco Litigation Calendar Clerk, Miriam Day, at (619) 531-3331. Motions will not be heard after the motion cutoff without leave of Court.** Hearings cannot be continued by stipulation of the parties - only by order of the Court.

B. Filing Motions, Petitions, Applications or Similar Documents

(1) Any Motion, Petition or similar document received for filing in this department which has not had a reservation hearing date obtained in 4A above **will not be accepted for filing.**

(2) All filings, including moving papers, oppositions & replies, shall be all inclusive. Reference or incorporation by reference to other parties' filings or other filings previously filed will not be entertained.

C. Telephonic Rulings

Law and Motion matters will generally be heard telephonically on Mondays in accordance with Coordinated Rule 6.18, and on such other days and times as the Court shall

designate when the parties seek a reservation. No appearances by counsel or parties are made on the date and time set forth by the moving parties as the hearing date, unless the Court orders otherwise. The Court will render a recorded telephonic ruling on the date set for hearing based on timely filed papers and lodged documents. The telephonic rulings are not tentative decisions, but rulings of the Court. To obtain the ruling, counsel may call (619) 531-3690 on the noticed hearing date for the ruling after 3:00 P.M.

Telephonic rulings may also be obtained by checking the Tobacco web site at www.sandiego.courts.ca.gov/jccp/tobacco or by picking up a copy in the Calendar/Arbitration Office, 2nd floor, Hall of Justice at 330 W. Broadway, San Diego, California.

D. Oral Arguments

Requests for oral argument must be made **by calling the Tobacco Litigation Calendar Clerk, Miriam Day, at (619) 531-3331** by 4:00 PM on Friday of the same week as the telephonic ruling. The Court will not accept unsolicited supplemental pleadings.